

REMARKS

The preceding specification amendments and the following remarks are submitted as a full and complete response to the Office Action issued on September 5, 2008.

Claims 7-10 remain pending in the application. Claims 1-6 are cancelled. Claim 7 has been amended, support for which may be found, *inter alia*, in the original claims. No new matter is added. Applicants respectfully request entry of the claim amendments and favorable reconsideration of the application.

An objection was made to the drawings because reference numbers 2 and 10 are missing. Applicants respectfully submit that Fig. 1 includes element labels '2' and '10'. Applicants note that the specification includes references to labels '2a', '2b', '10a' and '10b', and respectfully that this practice complies with 37 CFR 1.84(p)(4), and indicates the meaning of '2' and '10' as generic versions of '2a', '2b', '10a' and '10b'. Additionally, Applicants have amended the specification to explicitly recite the element label '2'.

Claim 7 was objected to for referencing withdrawn claim 1. Applicants have deleted the language in question, and request that this objection be withdrawn.

Claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over published US Patent Application No. 2001/0033374 A1 to Hoyt ("Hoyt") and further in view of published US Patent Application No. 2005/0012033 A1 to Stern et al. ("Stern").

Claim 7, from which claims 8 and 9 depend, recites that radiation is emitted from "multiple confocal measuring volumes." In contrast, Hoyt merely discloses an array of wells. Hoyt, para. 0065. One advantage of confocal measuring volumes is that they ensure that emitted radiation is focused in the same direction, so that as much of the radiation as possible may be detected. Hoyt, on the other hand, is concerned with relative intensities rather than absolute intensities. Hoyt, para. 0006. Hoyt requires that the light emitted from the wells not be focused so that it can travel around a mirror.

Hoyt, para. 0069. Stern fails to cure the deficiencies of Hoyt because Stern is directed to photon counting circuitry. (See Stern, title and abstract.)

Additionally, the prior art does not disclose a device according to the present invention having integrated in the sensor chip signal processing and evaluation means which include at least one correlator as set forth in claim 9. The integrated signal processing and evaluation means with the at least one correlator allows one to perform very fast and sensitive fluorescence correlation spectroscopy.

Applicants respectfully submit that the rejection has been overcome, and requests that it be withdrawn.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoyt and Stern, and further in view of US 6,078,681 to Silver. Claim 10 depends from claim 7, and thus is patentable over Hoyt and Stern for at least the reasons above. Silver fails to cure the noted deficiencies because Silver is directed to analyzing a single specimen using video. Silver, col. 1, ll. 5-6 and abstract.

Applicants respectfully submit that the rejection has been overcome, and requests that it be withdrawn.

In view of the foregoing amendments and remarks, Applicants believe the application is now in condition for allowance. Favorable and early action is requested.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

A two-month extension of time from December 5, 2008 to February 5, 2009 is requested to make this response timely. The required fee under 37 CFR § 1.17(a)(2) is paid hereunder by charge to Counsel's Deposit Account No. 02-2135. The

Commissioner is hereby authorized to charge any additional fees and/or credit any overpayments required under 37 C.F.R. §§ 1.16 and 1.17 to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

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